3.4.2024
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Ct. no. 652
sb

SA 273 of 1984
with
CAN 1 of 2023
CAN 2 of 2023

Biswanath Bhagat & Ors.
Vs.
State of West Bengal & Ors.

Mr. Arup Banerjee ...for the Appellants

Mr. Swapan Banerjee
Mr. Supratim Dhar ...for the State

Affidavit of service filed by the appellants is taken on record.

Since the State is not represented, Mr. Swapan Banerjee, additional Government Pleader is requested to appear on behalf of the State in respect of the present second appeal.

The State is directed to regularise his appointment.

Re: CAN 1 of 2023

This is an application wherein the appellants submits that appellant no. 1 (b) died leaving behind legal heirs mentioned in paragraph 5 of the application. There is a delay in filing the application for substitution. Accordingly, the appellants have prayed for substituting the legal heirs of the deceased appellant no. 1(b) after setting aside the order of abatement and condonation of delay.

Prayer is considered and allowed.

Let the legal heirs mentioned in paragraph 5 of the application be substituted in place of deceased appellant no. 1(b).

The department is directed to make necessary correction.

CAN 1 of 2023 is accordingly disposed of.

Re: CAN 2 of 2023

This is an application wherein the appellants have sought for expunging the name of appellant no. 1(c) who died intestate leaving behind legal heirs who are already on record.

Prayer is allowed.

The department is directed to expunge the name of appellant no. 1(c) and noted in the memo of appeal.

CAN 2 of 2023 is accordingly disposed of.

Re: SA 273 of 1984

Learned counsel for the appellants is directed to serve a copy of the paper book to the learned counsel appearing for the State.

It is submitted that the appeal is otherwise ready for hearing.

Let the appeal be listed under the heading "Hearing of Appeal" in the Monthly list of May, 2024.

(Ajoy Kumar Mukherjee, J.)